

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BETTY ANNE WATERS, as) Administratrix of the Estate of) KENNETH WATERS,) Plaintiff,) v.) TOWN OF AYER, NANCY TAYLOR-) HARRIS, in her individual capacity, ARTHUR) BOISSEAU, in his individual capacity,) BUDDY DECOT, in his individual capacity,) WILLIAM ADAMSON, in his individual) capacity, PHILIP L. CONNORS, in his) individual capacity, and JOHN DOE and JANE) DOES 1-16, in their individual capacities,) Defendants.))) Case No. 04 Civ. 10521 (GAO) <u>PLAINTIFF'S FOURTH SUPPLEMENTAL RESPONSE TO DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS</u>
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Comes Now Plaintiff and, pursuant to Fed. R. Civ. P. 26 and 34, offers a fourth set of supplemental responses to the following requests from Defendants' First Request for Production of Documents. By further responding to these requests for production, plaintiff does not waive any privileges or objections.

6. Any written statement, signed or unsigned, by any eyewitness to the occurrence of the plaintiff's damages, or the surrounding circumstances.

SUPPLEMENTAL RESPONSE: See document attached. Other items responsive to this request have not yet been identified by Plaintiff. As discovery is still ongoing, however, Plaintiff reserves the right to supplement this response based upon information and items discovered during the pendency of this proceeding and up until the close of discovery.

14. Any and all exhibits which plaintiff intends to offer at trial.

SUPPLEMENTAL RESPONSE: See document attached. Other items responsive to this request have not yet been identified by Plaintiff. As discovery is still ongoing, however, Plaintiff reserves the right to supplement this response based upon information and items discovered during the pendency of this proceeding and up until the close of discovery.

Respectfully submitted,

Dated: May 4, 2007

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Attorneys for Plaintiff Betty Anne Waters

PROOF OF SERVICE

I, Monica R. Shah, being over eighteen years of age, hereby certify pursuant to the laws of the Commonwealth of Massachusetts that I served the foregoing on the following persons by electronic mail and by U.S. Mail, this 4th day of May, 2007.

Joseph L. Tehan, Jr.
Gregg J. Corbo
Jeffrey T. Blake
Kopelman & Paige, PC
101 Arch Street, 12th Floor
Boston, MA 02110



Monica R. Shah

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DISTRICT OF MASSACHUSETTS

BETTY ANNE WATERS, as
Administratrix of the Estate of
KENNETH WATERS,

Plaintiff,

v.

TOWN OF AYER, NANCY TAYLOR-
HARRIS, in her individual capacity, ARTHUR
BOISSEAU, in his individual capacity,
BUDDY DECOT, in his individual capacity,
WILLIAM ADAMSON, in his individual
capacity, PHILIP L. CONNORS, in his
individual capacity, and JOHN DOE and JANE
DOES 1-16, in their individual capacities,

Defendants.

) Case No. 04 10521 (GAO)

DECLARATION OF
ELIZABETH J. LANKFORD

I, Elizabeth J. Lankford, residing at 9609 Jacob Lane, Indianapolis, IN 46235, hereby declare the following to be true:

1. My maiden name is Elizabeth J. Tessier.
2. I worked in the office at Berry Enterprises in Ayer, Massachusetts for a few years, and was working there in May of 1980.
3. A lot of time has passed since then, but the following is my best recollection.
4. Jeannie Peacock, who I remember having strawberry blonde hair, worked there with me.
5. Berry Enterprises kept the payroll records for the Park Street Diner in Ayer, Massachusetts.

6. During the period when I worked at Berry Enterprises, employees at the Park Street Diner punched a time clock to register when they started and ended their shifts on a particular day. Each week, time cards were forwarded to Berry Enterprises for checks to be issued, and a new time card was begun.

7. During this period, Berry Enterprises retained original time cards from the Park Street Diner on file.

8. I learned of Katherina Brow's murder in the spring of 1980.

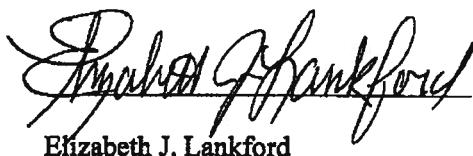
9. Within days after the murder, two Ayer police officers appeared at the office of Berry Enterprises asking for Kenny Waters' time card for the date of the murder.

10. One of the officers who asked for Mr. Waters' time card was Officer Buddy Decot.

11. In normal practice at Berry Enterprises, we would comply with a police request by turning over a copy rather than the original.

Pursuant to 28 U.S.C. § 1746, I declare the foregoing to be true under the pains and penalties of perjury.

Dated: April
March 4, 2007


Elizabeth J. Lankford